IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4545 of 2005

Between:

The Fishermen Co-operative Society LTd., Regd. No. 1-48, Village, Rangampally Mandal, Parigi District Ranga Reddy District rep by President Sri K. Lingaiah, S/o Late Chandraiah, R/o Rangampally village

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep by Principal Secretary, Panchayat Raj & Rural Development (PTS-IV) Department, Secrtariat, Hyderabad
2 The District Magistrate & Collector, (Panchayat Wing) Ranga Reddy District
3 The District Panchayat Offcer, Ranga Reddy District, Hyderabad
4 The Divisional Panchayat Officer, Chevella, Ranga Reddy District
5 The Assistant Director of Fisheries, Ranga Reddy District, Hyderabad
6 The Sarpanch, Rangampally Gram Panchayat Parigi Mandal, Ranga Reddy District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ more in the nature of Writ of Mandamus declaring the action of the 1st respondent in giving the stay orders vide Memo No. 3246/Pts. IV/A2/20051, dated 4-3-2005 without taking in to consideration lease amount fixed by the committee constituted by the District Collector, Ranga

Reddy District as per the Directions of this Hon'ble Court in WP NO. 23754 of 2004 as illegal, arbitrary and violative of Art 14 of the Constitution of India and consequently direct the respondents to set a side the Memo No. 3246/Pts.IV/A2/2005-1, dated 4.3.2005 and permit the petitioner society to catch the fish in all the 4 tanks of the village and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.D.L.PANDU

Counsel for the Respondents No.1 to 5: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel forRespondent No.6: Mr. Jyothi Eswar Gogineni

The Court at the stage of admission made the following ORDER:

The petitioner is the Fisherman Co-operative Society of Rangampally village, Parigi mandal, Rangareddy District. It was granted lease in respect of the four tanks situated in the Gram Panchayat. A demand notice, dated 16.12.2004, was issued to it, for a sum of Rs.35,000/- towards lease amount. The petitioner filed W.P.No.23754 of 2004 challenging the same. This Court disposed of the writ petition, through order, dated 21.12.2004, leaving it open to the petitioner to approach the District Collector, the second respondent herein. Accordingly, the petitioner made a representation to the second respondent, who, in turn, passed an order, dated 10.02.2005, determining the lease amount at Rs.4,850/- per year. The sixth respondent preferred an appeal before the first respondent, aggrieved by the said order. The first respondent granted an order of interim stay, on 04.03.2005. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

The sixth respondent availed the remedy of appeal, aggrieved by the order, dated 10.02.2005, passed by the second respondent. The first respondent has passed an interim order, on 04.03.2005. If the petitioner feels aggrieved by the interim order, it has to approach the first respondent seeking modification of the same. It is only when the first respondent does not act upon any application filed by the petitioner, or when an order adverse to his interests is passed, on consideration of such application, that the petitioner can approach this Court. The writ petition is, in a way, premature.

Hence, the writ petition is disposed of, leaving it open to the petitioner to approach the first respondent with an appropriate application. In such an event, the first respondent shall consider the same and pass orders within a period of ten days from the date of its presentation. There shall be no order as to costs.

09.03.2005

Note:

Issue CC in two days.

(BO)

ksld

To

1 The Principal Secretary, Panchayat

Raj & Rural Development (PTS-IV) Department, Government of

Andhra Pradesh, Secrtariat,

Hyderabad
2 The District Magistrate & Collector, (Panchayat Wing) Ranga Reddy

District
3 The District Panchayat Offcer, Ranga Reddy District, Hyderabad
4 The Divisional Panchayat Officer, Chevella, Ranga Reddy District
5 The Assistant Director of Fisheries, Ranga Reddy District, Hyderabad
6 The Sarpanch, Rangampally Gram Panchayat Parigi Mandal, Ranga

Reddy District

7 Two CCs. to the G.P. for Panchayat Raj, High Court of A.P.,

Hyderabad (OUT).

8 2 CD copies

9 1 CC to MR.PANDU

*Form-NIC-OGS/WP{**TRT**}*